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ORGANIZATION OF THE WORK OF THE SESSION

The situation of human rights in the Republic of Chechnya of the Russian Federation

Report of the Secretary-General

Addendum

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I. VISIT TO MOSCOW OF THE ENVOY OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

1. The High Commissioner's Envoy, Mr. Fausto Pocar, paid a second visit to Moscow from 28 to 30 March 1996, at the invitation of the Government of the Russian Federation. In the course of his visit he held talks with the Russian authorities on practical matters concerning the functioning in the Russian Federation of a United Nations human rights presence, especially with regard to the situation in the Chechen Republic of the Russian Federation.

2. The basic objective of such a United Nations presence would be the promotion and protection of human rights in Chechnya. This would therefore involve, inter alia, (a) following the human rights situation in Chechnya; (b) liaising with the local authorities and with other interested parties, including non-governmental organizations; and (c) promoting specific confidence-building measures in the field of human rights. Mr. Pocar also discussed with the Russian authorities the High Commissioner's proposals that a United Nations human rights officer should join the Organization for Security and Cooperation in Europe (OSCE) Assistance Group in Grozny, and that a small office should be established in Moscow.

3. In the course of his visit, Mr. Pocar met senior officials of the Security Council of the Russian Federation, the Foreign Ministry, the Ministry of Nationalities and Federal Relations, the Constitutional Court, and the Office of the General Prosecutor. They briefed him about action being taken by the Government of the Russian Federation with regard to the situation in the Chechen Republic. They welcomed in principle the proposal for the establishment in Moscow of more systematic contacts with the Office of the High Commissioner, either by the formal establishment of an office in Moscow, possibly located within the existing United Nations Office, or through a regular programme of visits by the Envoy of the High Commissioner. The Russian authorities also declared their willingness to facilitate regular visits by the High Commissioner's Envoy to the Chechen Republic. Russian officials also proposed that one objective of an enhanced presence of the High Commissioner's Office in the Russian Federation should be the provision of advisory services on the international obligations of the Russian Federation in the field of human rights. The Russian authorities expressed their wish to coordinate with the High Commissioner their own efforts to restore respect for the human rights and freedoms of those affected by the conflict in Chechnya.

4. Statistics provided to Mr. Pocar by the Russian authorities showed that those, from both sides, subject to criminal proceedings as a result of their conduct in the course of the conflict included 230 Russian servicemen, of whom half had been convicted.

5. In presenting his annual report to the fifty-second session of the Commission on Human Rights, the High Commissioner expressed his appreciation for the open and cooperative spirit shown by the Russian authorities in the course of the visit of his Envoy. He also welcomed the comprehensive programme of peaceful settlement of the Chechen crisis put forward by President Yeltsin in an announcement on 31 March. Those proposals, he added, could prove to be a decisive breakthrough in the resolution of the crisis.

The High Commissioner also made it clear that he stood ready to assist in whatever way possible in the promotion and protection of human rights in that part of the Russian Federation.

II. GOVERNMENT OF THE RUSSIAN FEDERATION

6. On 12 April 1996, the Government of the Russian Federation transmitted to the Secretary-General the information which is reproduced below in extenso.

"The President of the Russian Federation Boris Yeltsin, in his TV address to the citizens of Russia on March 31, made public a comprehensive Programme of peaceful settlement of the Chechen crisis. Mr. Yeltsin stressed that 'the Chechen crisis is Russia's hardest problem. There has not been and is no simple way to resolve the conflict'.

"The Programme presupposes a system of measures aimed at restoring peace, tranquillity and stability in the Chechen Republic. It will be implemented through joint efforts of Federal and Republican power bodies with support of all subjects of the Federation and the entire population.

"The Programme, inter alia, envisages:

- termination from 24.00 on March 31 all troop operations on the territory of Chechnya;

- stage-by-stage withdrawal of Federal forces from the tranquil areas of Chechnya to its administrative borders in accordance with a scheme for their redeployment;

- the Chechen leadership is to work to broaden the zones of accord, security and peace in the Chechen Republic which already cover two thirds of the Republic's territory.

"Preparation and holding of free democratic elections to the Republic's Parliament throughout Chechnya is considered in the Programme as an important political task. The convocation of a peaceful political forum of representatives of the people of the Chechen Republic from all its districts, towns and large villages is recognized as an important stage in preparation of the elections.

"The Programme has been welcomed by the OSCE Chairman-in-Office, Mr. Flavio Cotti. The head of the OSCE Assistance Group in Chechnya, Ambassador Gouldimann, has expressed an opinion that the plan of the Russian leadership 'will work' and that it will lead towards the start of negotiations between the Federal forces and Dudaev.

"On April 1 the President of the Russian Federation signed a decree giving legal force to the Programme for settling the crisis in Chechnya.

"On April 3 Boris Yeltsin also signed a document endorsing the statute of a State Commission of the Russian Federation for the

settlement of the crisis in Chechnya. Prime Minister of Russia Chernomyrdin, who headed the first meeting of the Commission, noted that it will work to create conditions for holding a forum of representatives of all ethnic groups inhabiting Chechnya and for signing an agreement on civic accord.

"One such condition calls for 'resuming and organizing the negotiating process with some of the field commanders and other representatives of the other side who can make decisions'.

"On April 6 President Yeltsin announced that he had sent telegrams to the head of the Chechen Republic, Mr. D. Zavgayev, and to D. Dudaev about the termination of military operations by the Federal forces.

"It should be noted that President Yeltsin has announced the cease-fire in the absence of similar commitments from the Chechen side and this step has been welcomed by many countries, which also called on the Chechen side to respond positively to the Russian Government peace plan.

"A Treaty on the Delimitation of Jurisdiction and Powers between the Power Bodies of the Russian Federation and the Chechen Republic is to be concluded. The issue of a status of the Chechen Republic should be resolved through constructive dialogue between Federal power bodies and plenipotentiary representatives of the people of the Chechen Republic.

"The President of the Russian Federation noted that '... the normalization of the situation in the Republic and the establishment of peace, tranquillity and stability there are the principal conditions to start getting agreement on a status of Chechnya. For the sake of that, we are prepared to go to talks with the Dudaev side through go-betweens'. The President of Kazakhstan, Mr. N. Nazarbaev, as well as the President of Tatarstan (Republic within Russia) have agreed to President Yeltsin's proposal to play a role of mediators in negotiations in Chechnya.

"Among measures aimed at achieving peace in Chechnya there is a proposal of an amnesty for participants of armed factions in the Republic, with the exception of those who committed grave crimes. The President's legal adviser, Mr. M. Krasnov, said that the Programme of crisis settlement contains legal possibilities for the amnesty to D. Dudaev. The Chairman of the lower chamber of the Parliament, the State Duma, also didn't exclude the possibility of Dudaev's amnesty, if such a move will bring about a peace to the region."